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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,027

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Isao Sato

028340-0102

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22428 7590 01/14/2008  
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EXAMINER
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MEHMOOD, JENNIFER

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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01/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/560,027

Applicant(s)

SATO ET AL.

Examiner

Jennifer A. Mehmood

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/20/07; 12/8/05</u>   | 6) <input type="checkbox"/> Other: _____                          |

### ***Specification***

#### **1. Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Osterweil (US 6,049,281).

For claim 1, Osterweil discloses a condition analysis apparatus comprising: a three-dimensional sensor for measuring, at a plurality of sampling points, sampling-point-moves in a height direction of an object existing in a target area (col 2, lns 35-48; col 6, lns 39-57; Fig. 1, items 10, 15); and area definition means for defining an area where a plurality of the sampling-point-moves are in the generally same phase (col 8, lns 11-20, 49-53, and 62-66).

For claim 2, Osterweil discloses information output means for outputting information of an area including the area defined by the area definition means (col 9, lns 20-31).

For claims 3 and 4, Osterweil discloses the three-dimensional sensor having: a projection device for projecting a light pattern on the target area; a image capturing apparatus for capturing an image of the target area while the light pattern is projected thereon (Fig. 1, item 15; col 7, lns 42-58); and measurement means for measuring shifts of the pattern on the captured images (col 8, lns 3-32), wherein sampling-point-moves in the height direction of the object are measured at the plurality of points based on the shifts of the pattern measured (col 8, lns 48-66).

For claims 5-7, Osterweil discloses if a specific number or more of the sampling points in a specific area represent sampling point moves in the same specific type of phase, the area definition means defines the specific area as an area where the sampling point moves in the specific type of phase are occurring (col 9, lns 10-44).

For claims 8-10, Osterweil discloses wherein the area definition means searches a specific area for sampling points representing sampling-point-moves in the same specific type of phase, forms a group of sampling points representing the sampling point moves in the generally same phase based on the search results, and defines the formed group of sampling points as an area where the sampling point moves in the generally same phase are occurring (col 9, lns 10-44; col 10, lns 50-67; col 11, lns 1-17).

For claims 14-16, Osterweil discloses anomaly determination means for determining an anomaly of the object based on the area defined by the area definition means (col 11, lns 10-32).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osterweil (US 6,049,281) and further in view of Brodsky et al. (US 7,110,569).

Osterweil discloses a boundary and an area definition, but does not disclose wherein the area definition means defines two or more areas in different phases, defines a boundary between the two or more areas, and defines the areas divided by

the boundary as new areas. Brodsky, however, discloses an area definition means defines two or more areas in different phases (col 3, lns 43-53), defines a boundary between the two or more areas, and defines the areas divided by the boundary as new areas (col 5, lns 29-35 and 45-56). The new areas are interpreted as the overlapping areas between the two or more areas. It would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide new, overlapping areas in order to ensure detection of a person between two or more areas for safety and security reasons.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Mesibov et al. (US 5,914,660), Ogino (US 5,479,939), Newham (US 5,471,198), Koerber, Sr. et al. (US 4,882,566), Hodges (US 4,947,152), and Teodorescu et al. (US 6,011,477) disclose detecting an object in a predetermined area.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Mehmood whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Daniel Wu, can be reached at (571) 272.2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer A. Mehmood  
January 3, 2008

  
BENJAMIN O. LEE  
PRIMARY EXAMINER